

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CAREFREE PARK CORPORATION, AMIN  
NABHAN and JAMILE NABHAN,

Plaintiffs,

v.

ADIB NABHAN,

Defendant.

Civil Action No. 2003-CV-12426 RCL

**PLAINTIFFS' RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW OR,  
IN THE ALTERNATIVE, FOR A NEW TRIAL**

Pursuant to Fed. R. Civ. P. 50(b), Plaintiffs Carefree Park Corporation (“Carefree Park”), Amin Nabhan (“Amin”) and Jamile Nabhan (“Jamile”) (collectively, “Plaintiffs”) hereby renew the motion made at the close of the evidence and as to which the Court reserved judgment, for a directed verdict, or judgment as a matter of law, in Plaintiffs’ favor on those claims in the Amended Counterclaim which were submitted to the jury and on which the jury awarded damages payable by Amin to Carefree Park or by Carefree park to Adib Nabhan (“Adib”). The jury’s verdict with respect to those claims should be set aside and judgment entered for the Plaintiffs because there was no legally sufficient evidentiary basis on which a reasonable jury could have found for Adib on those claims. In addition, the Court should enter judgment as a matter of law on the Plaintiffs’ claims against Adib that the jury incorrectly found were barred by

the statute of limitations.<sup>1</sup> In the alternative, the Court should order a new trial on Adib's claims that the jury decided adversely to Amin or Carefree Park, as well as on the statute of limitations.

In further support of their motion, Plaintiffs rely on the memorandum of law submitted herewith.

CAREFREE PARK CORPORATION,  
AMIN NABHAN and JAMILE NABHAN,

By their attorneys,

/s/ Robert L. Kirby, Jr.

Robert L. Kirby, Jr. (BBO #550538)  
Gordon M. Jones, III (BBO # 549016)  
NIXON PEABODY LLP  
100 Summer Street  
Boston, MA 02110-2131  
(617) 345-1000

Dated: March 31, 2006

#### **LOCAL RULE 7.1(A)(2) CERTIFICATE**

Undersigned counsel hereby certifies that he has conferred with opposing counsel in an effort to resolve or narrow the issues raised by this motion.

/s/ Robert L. Kirby, Jr.

Robert L. Kirby, Jr. (BBO #550538)  
Gordon M. Jones, III (BBO #549016)  
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Dated: March 31, 2006

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by first class mail or electronically on March 31, 2006.

/s/ Robert L. Kirby, Jr.

Robert L. Kirby, Jr.

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<sup>1</sup> Plaintiffs have submitted herewith a separate Motion For A New Trial On The Issue Of Whether Plaintiffs' Claims Are Barred By The Statutes Of Limitations.